

PATENT COOPERATION TREATY

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From the
INTERNATIONAL SEARCHING AUTHORITY

To:
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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

*Due
6/28/05*

(PCT Rule 43bis.1)

Applicant's or agent's file reference USYS-0147/04-006		Date of mailing (day/month/year) 28 MAR 2005
International application No. PCT/US04/08496		FOR FURTHER ACTION See paragraph 2 below
International filing date (day/month/year) 19 March 2004 (19.03.2004)	Priority date (day/month/year) 19 March 2003 (19.03.2003)	
International Patent Classification (IPC) or both national classification and IPC IPC(7): G06F 15/173 and US Cl.: 709/224		
Applicant UNISYS CORPORATION		

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer Bunjob Jaroenchonwamt Telephone No. (703) 305-3800
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Form PCT/ISA/237 (cover sheet) (January 2004)

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US04/08496

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US04/08496

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>10-15, 22-27</u>	YES
	Claims <u>1-9, 16-21</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-27</u>	NO
Industrial applicability (IA)	Claims <u>1-27</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 1-9 and 16-21, lack novelty under PCT Article 33(2) as being anticipated by Hofmann et al. Hofmann teaches the invention as claimed including a method and system for sending agent to collect device's characteristic for use the same. Hofmann further teaches the agent could be a set of software codes, instructions, scripts, that has been sent from a second device or embedded in the device itself. Further, Hofmann discloses the characteristic collected from the device includes but does not limit to, Hardware, resource configuration, including user information (Hofmann at abstract, figure 1-7, and column 1, line 55-column 10, line 50).

Claims 10-15 and 22-26 lack an inventive step under PCT Article 33(3) as being obvious over Hofmann et al (referred to as "Hofmann" hereinafter). Although, Hofmann does not explicitly discuss specific details and minor difference in away that one may apply the inventive concept to a specific application as recited, for instance, in claims 21 and 27. However, it would have been obvious to one of ordinary skill in the art that was an obvious variation of implementing the inventive concept. In other words, it is a matter of desirable to apply Hofmann's idea with any other types of application including specific database application.

Claims 1-9 and 16-21, lack novelty under PCT Article 33(2) as being anticipated by Hodges et al (referred to as "Hodges" hereinafter). Hodges teaches similar inventive concept as claimed. Hodges discloses a software agent is pushed to client's device to detect virus pattern, detecting virus version and performing update the virus. Hodges too, teach the same inventive concept for another application (abstract, figures 4, 7, 11-12, column 1-2, 7, 12-13).

Claims 1-9 and 16-21, lack novelty under PCT Article 33(2) as being anticipated by Caswell et al (referred to as "Caswell" hereinafter). Caswell teaches similar inventive concept as claimed. Caswell discloses utilizing a discovery template for collecting network services data (abstract, figures 9-12, column 8-column 30).